

14735 Ma + Street
Upper Marlboro, MD 20772-3042

CASE NO.

CV

PARTIES

Plaintiff

8150 Lakecrest Drive JV LLC
7910 Woodmont Avenue, Suite 350
Bethesda, MD 20814

VS.

Defendant(s):

1. Washington Metropolitan Area Transit Authority
Serve: Patricia Lee, Esq., Office of General Counsel
600 Fifth Street, NW, Washington, DC 20001Serve by:
☒ Certified Mail
☐ Private Process
☐ Constable
☐ Sheriff

2.

Serve by:
☐ Certified Mail
☐ Private Process
☐ Constable
☐ Sheriff

3.

Serve by:
☐ Certified Mail
☐ Private Process
☐ Constable
☐ Sheriff

4.

Serve by:
☐ Certified Mail
☐ Private Process
☐ Constable
☐ Sheriff

ATTORNEYS

For Plaintiff - Name, Address, Telephone Number & Code

Todd Kelting #7586
4800 Montgomery Lane, 9th Floor
Bethesda, MD 20814
240.507.1707COMPLAINT/APPLICATION AND AFFIDAVIT
IN SUPPORT OF JUDGMENT☐ \$5,000 or under ☐ over \$5,000 ☒ over \$10,000Clerk: Please docket this case in an action of ☐ contract ☒ tort
☐ replevin ☐ detinue ☐ bad faith insurance claim

The particulars of this case are:

8150 Lakecrest Drive JV LLC ("Plaintiff") owns the property and improvements located at 8150 Lakecrest Drive, Greenbelt, Maryland (the "Property"). Washington Metro Area Transit Authority ("WMATA") is an interstate compact agency providing mass transportation in the District of Columbia, Maryland and Virginia. On or about March 19, 2018, a breezeway at the Property was significantly damaged by a WMATA Metro Access Van and the negligent acts of the driver of that vehicle. WMATA is liable for this negligent acts of the driver of that vehicle, WMATA's agent, servant and/or employee.

As a result of the negligent actions of WMATA's agent, servant and/or employee, Plaintiff has suffered damages in the total amount of \$26,782.42.

(See Continuation Sheet)

The plaintiff claims \$26,782.42, plus interest of \$_____, interest at the ☒ legal rate ☐ contractual rate calculated at _____%, from _____ to _____ (_____ days x \$_____ per day) and attorney's fees of \$_____ plus court costs.

- ☐ Return of the property and damages of \$_____ for its detention in an action of replevin.
☐ Return of the property, or its value, plus damages of \$_____ for its detention in action of detinue.
☐ Other: _____ and demands judgment for relief.

Signature of Plaintiff/Attorney/Todd Kelting #7586 0112110423
CPF ID No.Printed Name: Todd Kelting
Address: 4800 Montgomery Lane, 9th Floor, Bethesda, MD 20814
Telephone Number: 240.507.1707
Fax: 240.507.1735
E-mail: tkelting@offitkurman.com

MILITARY SERVICE AFFIDAVIT

- ☐ Defendant(s) _____ is/are in the military service.
☒ No defendant is in the military service. The facts supporting this statement are: Defendant is a legal entity not capable of military service.

Specific facts must be given for the Court to conclude that each Defendant who is a natural person is not in the military.

- ☐ I am unable to determine whether or not any defendant is in military service.
I hereby declare or affirm under the penalties of perjury that the facts and matters set forth in the foregoing Affidavit are true and correct to the best of my knowledge, information, and belief.

April 5, 2019

Date

Signature of Affiant

APPLICATION AND AFFIDAVIT IN SUPPORT OF JUDGMENT (See Plaintiff Notice on Back Page)

Attached hereto are the indicated documents which contain sufficient detail as to liability and damage to apprise the defendant clearly of the claim against the defendant, including the amount of any interest claimed.

- ☐ Properly authenticated copy of any note, security agreement upon which claim is based ☒ Itemized statement of account ☒ Interest worksheet
☐ Vouchers ☐ Check ☐ Other written document ☐ Verified itemized repair bill or estimate

I HEREBY CERTIFY: That I am the ☐ plaintiff ☐ _____ of the plaintiff herein and am competent to testify to the matters stated in this Complaint, which are made on my personal knowledge; that there is justly due and owing by the defendant to the plaintiff the sum set forth in the Complaint.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the above Complaint are true and I am competent to testify to these matters.

April 5, 2019

Date

Signature of Affiant

NOTICE TO DEFENDANT

Before Trial

If you agree that you owe the plaintiff the amount claimed, you may contact the plaintiff (or plaintiff's attorney) before the trial date to arrange payment. If you wish to contest the claim, you should notify the clerk's office by filing a Notice of Intent to Defend (located at the bottom of your summons). The case will be set for trial. If you wish to have your witnesses appear at trial, you should contact the clerk's office at least two weeks before the trial date to request subpoenas, and you should bring to court on the trial date any evidence you want the court to consider. If you do nothing, a judgment could be entered against you.

If Judgment is Entered Against You (If You Lose)

IF YOU DISAGREE WITH THE COURT'S RULING, you may:

1. **APPEAL** to the circuit court, by filing a Notice of Appeal in the District Court within **30 days** after the entry of judgment. You will have to pay a filing fee (see Guide to Appeal Fees, DCA-109A), unless the court determines that you are indigent. If the amount of the claim, not counting court costs, interest, and attorney's fees, is:
 - **more than \$5,000**, you will also have to order and pay for a transcript of the District Court trial record, by contacting the District Court clerk's office (see Transcripts & Recordings Brochure, DCA-027BR).
 - **\$5,000 or less**, you will have a new trial in the circuit court.

On your trial date you should bring with you any evidence that you want the court to consider.

2. File a **MOTION FOR A NEW TRIAL** within **10 days** after the entry of judgment, stating your reasons clearly. If the court denies your motion, you may still file an appeal; if the court grants your motion, you must appear in the District Court for a new trial.
3. File a **MOTION TO ALTER OR AMEND THE JUDGMENT** within **10 days** after entry of judgment.
4. File a **MOTION TO REVISE OR VACATE THE JUDGMENT** within **30 days** after entry of judgment.

IF YOU DECIDE NOT TO APPEAL AND NOT TO FILE ONE OF THE ABOVE MOTIONS, you may contact the plaintiff or plaintiff's attorney to arrange to pay the amount owed. If you do not pay the amount owed, the plaintiff or plaintiff's attorney may initiate further proceedings to enforce the judgment, including:

1. **Interrogatories:** You must answer these written questions about your income and assets in writing under penalties of perjury.
2. **Oral Examination:** You must appear in court to testify in response to questions about your assets and income.
3. **Writ of Execution:** The court may issue a writ requiring the sale or seizure of any of your possessions except, with some exceptions, property that is exempt from execution. The exemptions are explained in detail on the reverse side of the Writ of Execution form, DC-CV-040. Further, the court could order you to pay additional expenses such as towing, moving, storage fees, advertising costs, and auctioneer's fees incurred in executing the writ.
4. **Garnishment of Property:** The court may issue a writ ordering a bank or other agent to hold your assets until further court proceedings.
5. **Garnishment of Wages:** The court may issue a writ ordering your employer to withhold a portion of your wages to pay your debt. The law provides certain exemptions from garnishment.

If you have any questions, you should consult an attorney. The clerk of the court is not permitted to give you legal advice. More information can be found in court brochures located in the clerk's office or online at:

http://www.mdcourts.gov/district/public_brochures.html.


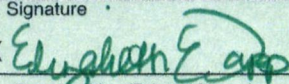
NOTICE TO PLAINTIFF

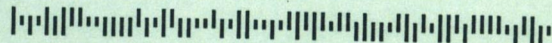
REQUESTING A JUDGMENT BY AFFIDAVIT OR DEFAULT:

Federal Law requires the filing of a military service affidavit. Information about the Servicemembers Civil Relief Act and the required affidavit can be found on the court's website at: <http://mdcourts.gov/reference/scra.html>.

AFTER THE COURT ENTERS A JUDGMENT:

1. If the court enters a judgment for a sum certain, you have the right to file for a lien on real property.
2. If you disagree with the outcome of the case, you have the same post-trial rights as the defendant does: you may file an Appeal, a Motion for New Trial, a Motion to Alter or Amend the Judgment or a Motion to Revise or Vacate the Judgment. See above for further information concerning these rights.

Case # : 050200134952019-001		COMPLETE THIS SECTION ON DELIVERY	
 Issue Date : May 6, 2019 Trial Date : Aug 13, 2019		A. Signature X 	
		B. Received by (Printed Name) ELIZABETH E. TAPP	
1. Article Addressed to: W.M.A.T.A SRV: PATRICIA LEE, ESQ. OFFICE OF GEN CO 600 FIFTH ST. NW WASHINGTON, DC 20001		C. Date of Delivery 5.13.19	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
2. Article Number (Transfer from service label) 7112 2557 3090 1628 5136		3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
9290 9901 8244 9003 0953 22		<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	
PS Form 3811, (facsimile) July, 2015		Domestic Return Receipt	

USPS TRACKING #			First-Class Mail Postage & Fees Paid USPS Permit No. G-10
 9290 9901 8244 9003 0953 22			
United States Postal Service		• Sender: Please print your name, address, ZIP+4® in this box •  DISTRICT COURT OF MARYLAND #5.2	